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Report of the Secretary-General on Eritrea

I. Introduction

1. In paragraph 19 of its resolution 2023 (2011), adopted on 5 December 2011, the Security Council requested me to report within 180 days on Eritrea's compliance with the provisions of that resolution and resolutions 1844 (2008), 1862 (2009) and 1907 (2009).

2. A note verbale was subsequently transmitted to the Permanent Mission of Eritrea to the United Nations, on 18 April 2012, requesting information from the Government by 2 May 2012 on the fulfilment of the provisions contained in resolution 2023 (2011). On 2 May 2012, the Government of Eritrea submitted a report on its compliance with resolution 2023 (2011) to the Secretariat. A note verbale was also sent to all Member States on 10 July 2012 with a request that they share any information at their disposal on Eritrea's compliance with the above-referenced resolutions by 20 July 2012.

3. The present report covers the period from 5 December 2011 to 20 July 2012.

II. Key provisions of resolution 2023 (2011)

4. In adopting resolution 2023 (2011), the Security Council reinforced the existing sanctions regime on Eritrea as established under resolution 1907 (2009) for Eritrea's role in undermining peace, security and stability in Somalia and the region and for its failure to comply with resolution 1862 (2009), on its border dispute with Djibouti. In resolution 1907 (2009), the Council imposed an arms embargo (import and export), a travel ban and an assets freeze. In resolution 2023 (2011), it expanded the sanctions to include the "diaspora tax" and the mining sector. The Council called on Eritrea to stop using the diaspora tax to support, directly or indirectly, armed opposition groups in violation of resolutions 1844 (2008) and 1862 (2009). In resolution 2023 (2011), the Council also requested Member States to hold accountable individuals in their territory who were engaged in those activities on behalf of the Government of Eritrea or the ruling People's Front for Democracy and Justice.

5. In the resolution, with regard to the mining sector, the Council called on Eritrea to show transparency in its public finances in order to demonstrate that the proceeds of the mining activities were not being used to destabilize the region, in violation of resolutions 1844 (2008), 1862 (2009) and 1907 (2009). The Council

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decided that Member States should exercise vigilance to ensure that funds derived from the mining sector did not contribute to violations of the sanctions regime. In that regard, the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with the assistance of the Somalia and Eritrea Monitoring Group, was requested to draft due diligence guidelines for use by Member States.

6. Finally, the Council called for the release of Djiboutian prisoners of war and the implementation of resolution 1862 (2009). The mandate of the Somalia and Eritrea Monitoring Group was expanded to include monitoring and reporting on the implementation of those new measures. In addition, Member States were called upon to report to the Security Council within 120 days on steps taken to implement the provisions of resolution 2023 (2011). On 4 May 2012, the Chair of the Committee transmitted a note verbale to all Member States requesting information on steps they had taken in that regard.

III. Compliance of Eritrea with Security Council resolution 2023 (2011)

7. It should be noted that beyond the information provided by Member States, the Secretariat does not have independent means of assessing Eritrea's compliance with the provisions of resolution 2023 (2011). It should also be recalled that Eritrea had submitted to the Committee and to the Security Council a comprehensive response (S/2011/652) to the final report of the Somalia and Eritrea Monitoring Group (S/2011/433). That submission covered many of the key areas of the resolutions, in the view of Eritrea.

8. In its midterm briefing to the Committee in February 2012, the Somalia and Eritrea Monitoring Group reported that it had obtained sufficient information on and evidence of Eritrea's recent violations of resolutions 1844 (2008) and 1907 (2009), including support to the Ogaden National Liberation Front (ONLF) and Oromo Liberation Front (OLF). In respect of resolution 1862 (2009), the Monitoring Group informed that it had had the opportunity to interview former Djiboutian prisoners of war and establish the credibility of their accounts despite Eritrea's repeated denial of their existence.

9. On 13 July 2012, the report of the Somalia and Eritrea Monitoring Group on Eritrea was issued as a document of the Security Council (S/2012/545). The Group found during that reporting period, that there was no evidence of direct Eritrean support to Al-Shabaab. However, the Monitoring Group also confirmed Eritrea's continued support to Ethiopian armed opposition groups, including ONLF and OLF. The Monitoring Group also found evidence of Eritrea's continuing violation of the arms embargo and its use of threats, harassment and intimidation to collect taxes from the Eritrean diaspora. The Monitoring Group confirmed that gold production had become an increasingly important source of revenue for the Government of Eritrea but that it was difficult to implement "due diligence" measures to ensure that mining revenues were not used to violate the arms embargo. The recommendations of the Monitoring Group are contained in paragraphs 134 to 137 of its report.

10. On 2 May 2012, the Government of Eritrea submitted a letter in response to the note verbale transmitted on 18 April 2012 regarding resolution 2023 (2011). The

letter did not provide concrete evidence of Eritrea's compliance with the provisions of the resolution. Instead, Eritrea registered its serious concern about the sanctions regime and appealed to have the sanctions lifted.

11. In the letter, Eritrea then proceeded to outline its regional policy and actions in Djibouti, Somalia and the Sudan, along the same lines as it had in its comprehensive response to the report of the Monitoring Group. Eritrea claimed that its portrayal as a destabilizing force in the region did not reflect the reality on the ground, stating that it had diplomatic relations with all the countries in the region, with the exception of Ethiopia. It had recently appointed a new resident ambassador in Uganda and had maintained its representation in the African Union since late 2010. Eritrea also referred to its efforts to reactivate its membership in the Intergovernmental Authority on Development.

12. With respect to Somalia, the letter referred to Eritrea's support for the efforts of the Alliance for the Re-Liberation of Somalia to convene a conference in Asmara in 2007 to help stabilize the country, noting that Al-Shabaab had, at the time, denounced it as a "conference with a secular agenda". Eritrea reiterated that, as a matter of principle, it did not support Al-Shabaab or any form of extremism, referring to its past endeavours to combat the spread of terrorism in the region in the early 1990s. Eritrea stated that its attempts to engage the Somali Transitional Federal Government following the May 2010 Istanbul Conference on Somalia had not been successful.

13. On its relations with Djibouti, Eritrea stated that it had remained committed to the peace agreement of 6 June 2010 mediated by the Emir of Qatar, including the question of missing persons and prisoners of war, as governed by the agreement. Eritrea referred to its withdrawal from the border area and the deployment of Qatari troops to monitor the border between the two countries, claiming that it had restrained itself on that subject in an effort to avoid compromising the Qatari mediation.

14. On the question of the diaspora tax, Eritrea reported that Eritrean citizens living abroad had now started to send their payments directly to Asmara while the Government finalized a new administrative procedure for the collection of taxes. With respect to the mining sector, Eritrea reported that foreign and local investments had followed established standards of transparency and accountability, highlighting that the sector had begun production only in the past year.

15. The Council may wish to note the fact that only two Member States, Ethiopia and Djibouti, responded to the above-mentioned note verbale of 10 July 2012. For its part, Ethiopia stated that it had provided substantive information to the Somalia and Eritrea Monitoring Group on Eritrea's continued violation of relevant Security Council resolutions. It stressed that Eritrea had persisted in its destabilization efforts in the region, including arms smuggling. Ethiopia further underlined that Eritrea's activities reflected a broader pattern of behaviour marked by a disregard of international norms. It referred to the decision of the eighteenth ordinary session of the Assembly of Heads of State and Government of the African Union (adopted on 30 January 2012), which urged Eritrea to "fully comply with these resolutions and desist from its destabilizing activities in Somalia and the region".

16. Djibouti expressed concern about the lack of progress in the implementation of the Qatar-mediated peace process with Eritrea, noting that while Eritrea officially

expressed its support of the process, it was in fact deliberately obstructing any progress on the issue. Djibouti appealed to the United Nations to play a role in resolving the stalemate.

IV. Observations

17. Although the Council had requested me to report on Eritrea's compliance with resolution 2023 (2011), the Secretariat has no independent means of verifying such compliance. It is my considered view that the report of the Somalia and Eritrea Monitoring Group provides authoritative information on Eritrea's record of compliance with the provisions in the resolution.

18. It should be noted that the countries of the region, including Djibouti, Ethiopia, Somalia, Kenya and Uganda, had urged the Security Council to adopt resolution 2023 (2011), as reflected in their statements to the Council on 5 December 2011.

19. I also take note that, in January 2012, the Peace and Security Council of the African Union called for the full implementation of Security Council resolutions 2023 (2011) and 1907 (2009). This was reiterated in the decision of the eighteenth ordinary session of the Assembly of Heads of State and Government of the African Union. In the lead up to those events, the Intergovernmental Authority on Development issued two communiqués, on 28 June and 4 July 2011, calling on the African Union and the Security Council to fully implement existing sanctions on Eritrea and to impose additional measures targeting the diaspora tax and the mining sector.

20. During the reporting period, a broad range of actors, including regional States, the Somalia and Eritrea Monitoring Group, Security Council members and non-governmental organizations alleged that Eritrea continued to violate the provisions contained in the pertinent Security Council resolutions. For its part, Eritrea consistently denied all allegations that it had violated the resolutions. Consequently, it continues to call on the Council to lift the targeted sanctions imposed on it.

21. I strongly urge the Government of Eritrea to engage in and maintain an open dialogue not only with the Committee but also with the Somalia and Eritrea Monitoring Group, as a possible channel for addressing its grievances and for presenting further clarity on its actions in the region and internationally. In that context, I wish to reiterate, once again, my earlier strong appeals to Eritrea to do more to establish concrete evidence of its compliance with resolutions 1907 (2009) and 2023 (2011). In so doing, it should be possible for Eritrea to finally assume its responsibilities regionally and internationally, as consistently demanded by the Security Council.